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It Doesn't Hurt To Help

Additional copies of this pamphlet
are available by writing to:

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Ontario

One day you may be present at the scene of an accident. Someone in distress may require your help.

How will you react?

Will you go immediately to that person's aid? Or will you hesitate out of fear of legal action? There is no need to hesitate. If you can help, the law is on your side.

Ontario law is clear: whether you have medical training or not, the courts expect you only to use common sense. Do what is reasonable considering the seriousness of the situation and your own skills.

It doesn't hurt to help.

What the law looks for is a common sense approach from anyone who stops to help another in an emergency.

Even medical people are expected to provide only assistance that is reasonable, considering their training, the circumstances of the accident and the extent of the injuries involved. For example, the law takes into consideration that it is obviously more difficult to treat a severely injured person on a dark roadside without equipment than it would be in a hospital emergency room.

With this in mind, in an emergency medical situation, any doctor, nurse or medical person, including someone trained in assisting, should step forward to help with no real concern for a successful lawsuit against them.

What You Can Do

- Identify yourself to the injured person. If you are a nurse, a doctor or a person trained in first aid, say so.
- If the person is conscious, ask the person if he or she wants help. A person has the right to refuse assistance and it is unlawful to act against the person's wishes.
- If a conscious adult or older child willingly accepts your help, you have sufficient authority under the circumstances to help.
- If a young child requires emergency medical care and a parent is not available to consent, you can provide emergency aid.
- If the person is unconscious, extend any urgent care necessary.

The law does expect you to be cautious when your actions could affect others. You do not want to cause more harm than good to the person you are trying to help. If the life of the victim is not in danger and you don't know what to do, stay with the victim, if possible, and send for help.

The law also requires that once you have accepted responsibility for giving emergency assistance to a victim of accident or illness, you must continue to give help until another person is able to take over—the desirable person being one with medical training, of course. The reason is that the person initially offering help may have discouraged any other potential helper.

There is no general legal duty to help someone in an emergency. However, in a few cases people do have a specific legal duty to provide assistance. One of the most important is the legal duty placed on any person *involved* in a motor vehicle accident. That person must stop and give all possible assistance to the persons involved. As another example, a lifeguard would have a duty to assist a drowning swimmer.

Give the help you would hope to receive if you were in similar circumstances.